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CITY AND COUNTY OF SAN FRANCISCO,
10 AND PAUL MIYAMOTO, IN HIS OFFICIAL
CAPACITY AS SAN FRANCISCO SHERIFF
11

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 OAKLAND DIVISION
15

16 JOSHUA SIMON, DAVID BARBER, AND
JOSUE BONILLA, INDIVIDUALLY AND
17 ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED, DIANA BLOCK,
18 AN INDIVIDUAL AND COMMUNITY
RESOURCE INITIATIVE, AN
19 ORGANIZATION,

20 Plaintiffs,

21 vs.

22 CITY AND COUNTY OF SAN
FRANCISCO, PAUL MIYAMOTO, IN HIS
23 OFFICIAL CAPACITY AS SAN
FRANCISCO SHERIFF,
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25 Defendants.
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Case No. 4:22-cv-05541-JST

**STATUS REPORT FOLLOWING ISSUANCE
OF NINTH CIRCUIT OPINION**

Date Action Filed: September 8, 2022
Trial Date: Not Set

1 Following issuance by the Court of Appeals for the Ninth Circuit of its opinion in *Simon v.*
2 *City & County of San Francisco*, 135 F.4th 784 (9th Cir. 2025) (“Ninth Circuit Opinion”), Defendants
3 the City and County of San Francisco and San Francisco Sheriff Paul Miyamoto (“Defendants”) respectfully submit the following status update.

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5 The Ninth Circuit Opinion affirmed this Court’s preliminary injunction as to the original rules
6 subclass, vacated the preliminary injunction as to the revised rules subclass, and granted Defendants’
7 motion to stay the Order Granting Plaintiffs’ Motion to Enforce Preliminary Injunction (ECF 111). In
8 light of the Ninth Circuit Opinion, starting May 19, 2025, the San Francisco Sheriff’s Office’s Pre-
9 Trial Electronic Monitoring (“SFSO PTEM”) Program will resume accepting new participants for
10 enrollment. The Sheriff’s Office will accept participants into the SFSO PTEM Program only if a San
11 Francisco Superior Court judge has ordered that participation in the SFSO PTEM Program, including a
12 condition allowing warrantless searches at least by the San Francisco Sheriff’s Office or at its specific
13 request and the ability of the San Francisco Sheriff’s Office to share location information with other
14 law enforcement agencies for active criminal investigations, is an appropriate condition of release
15 from custody. Despite the issued mandate in Ninth Circuit Case No. 24-1025,¹ the San Francisco
16 Sheriff’s Office plans to continue its current policy not to share location data for past or current PTEM
17 Program participants with other law enforcement agencies absent a warrant, court-signed subpoena
18 duces tecum, or emergency posing an immediate threat of harm, pending resolution of Plaintiffs’
19 Petition for Panel Rehearing and Rehearing En Banc filed in Ninth Circuit Case No. 24-6052. *See* ECF
20 98 (Declaration of Undersheriff Katherine Johnson describing and attaching the relevant policy
21 following issuance of February 2024 preliminary injunction).

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27 ¹ The Ninth Circuit today issued its mandate in the appeal of the Court’s February 2024
28 preliminary injunction, Ninth Circuit Case No. 24-1025. *See* ECF 126. Plaintiffs have filed a Motion to Recall the Mandate and for Leave to File Petition for Rehearing En Banc Out of Time.

1 Dated: May 15, 2025

Respectfully submitted,

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6 By: /s/ Alexander J. Holtzman
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